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Attorney for Defendants,
10 AMZONE LLC,
HUGO MARTINEZ
11 HOYTT ENTERPRISES, INC.
12
13

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16

17 PETER MENDOZA,

18 Plaintiff,

19 vs.

20 AMZONE LLC; AUGO MARTINEZ; HOYTT
21 ENTERPRISES, INC.; et al.,
22 Defendants.
23

Case No.: C10-03258 EMC

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON**

24 The parties, by and through their respective counsel, stipulate to the dismissal of this action in its
25 entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside the terms of the Settlement
26 Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’
27 fees.
28

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their
2 designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant
3 to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

6
7 DATED: October ___, 2011

LAW OFFICES OF PAUL L. REIN

8
9 BY: /s/ Catherine M. Cabalo
10 CATHERINE M. CABALO, ESQ.
11 Attorney for Plaintiff,
12 PETER MENDOZA

13 DATED: October ___, 2011

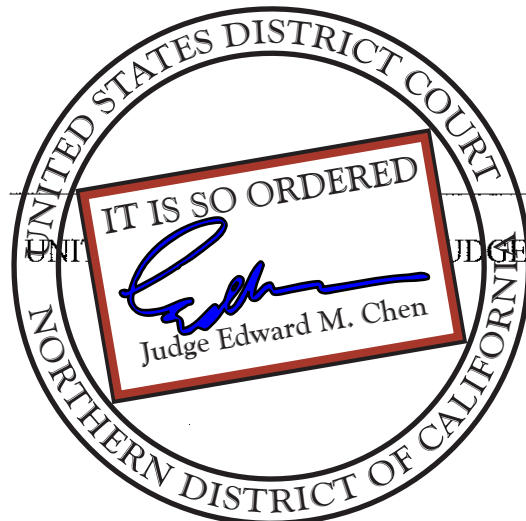
VALERIAN, PATTERSON & STRATMAN

14
15 BY: /s/ David E. Hunter III
16 DAVID E. HUNTER III, ESQ.
17 Attorney for Defendants,
18 AMZONE LLC, HUGO MARTINEZ, HOYTT
19 ENTERPRISES, INC.

20 **ORDER**

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
22 Fed.R.Civ.P.41(a)(1).

23 Dated: 10/26, 2011



1 Re: Mendoza v. Amzone LLC, et al.
 2 Case Number: C10-03258 EMC

3 **PROOF OF SERVICE**
 4 **Code of Civil Procedure §§ 1013a, 2015.5**

5 I am a resident of the State of California and over the age of eighteen years, and not a party to the
 6 within action. My business address is 1650 Harbor Bay Parkway, Suite 100, Alameda, CA 94502-3013.
 7 On October 24, 2011, I served the following document(s):

8 **STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON**

9 by placing the document(s) listed above in a sealed envelope, addressed as set forth
 10 below, and placing the envelope for collection and mailing in the place designated for
 11 such in our offices, following ordinary business practices.

12 by transmitting via facsimile the document(s) listed above to the fax number(s) set
 13 forth below on this date before 5:00 p.m.

14 By causing a true copy thereof to be personally delivered to the person(s) at the
 15 address(es) set forth below.

16 By causing a true copy thereof to be delivered via the Court's Electronic Case Filing
 17 X system.

18 **SEE ATTACHED SERVICE LIST**

19 I am readily familiar with the firm's practice of collection and processing correspondence for
 20 mailing with the United States Postal Service. Under that practice, it would be deposited with U.S.
 21 Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
 22 am aware that on motion of the party served, service is presumed invalid if postal cancellation date or
 23 postage meter date is more than one day after date of deposit for mailing in affidavit.

24 I declare under penalty of perjury under the laws of the State of California that the above is true
 25 and correct.

26 Executed on October 24, 2011, at Alameda, California.

27 
 28 STEPHANIE D.M. PEARSON

1 Re: Mendoza v. Amzone LLC, et al.
2 Case Number: C10-03258 EMC

3 **SERVICE LIST**

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